



CC: BUILDING DEPT. ☐
TOWN CLERK ☐

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
Regular Session

Date: JUNE 12, 2006 7:30 p.m. – Roll Call

AGENDA

Motion to accept minutes of **APRIL 24TH, 2006, MAY 8TH, 2006 & MAY 22nd, 2006** meeting(s) as written.

PRELIMINARY MEETINGS:

1. **BOBBY CHRISTOFORIDIS (06-34)** Request for 12 ft. Front Yard Setback for Proposed 8 ft. X 25 ft. Front Covered Porch at 6 Oxford Rd. in an R-4 Zone **(40-2-5)**
2. **ERROL FOSCHINI (06-36)** Request for 22 ft. Rear Yard Setback for Pool with Deck attached to the House at 13 Shaker Ct. in a CL-1 Zone **(80-6-9)**
3. **SIGN LANGUAGE (for Green Garden) (06-35)** Request for 5.33 ft Width for proposed wall sign at 176 Windsor Highway in a PUD Zone **(4-2-21.12)**

PUBLIC HEARINGS:

4. **4 SEASONS DOLLAR STORE (06-26)** Request for Sign Variances:

	<u>Permitted</u>	<u>Proposed</u>	<u>Variance Requested</u>
Sign #1	2.5' X 10'	1' 6" X 10' 8"	8"
Sign #2	0	1' 6" X 16' 2"	1' 6" X 16' 2"

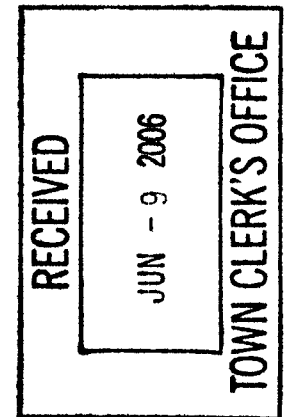
at 176 Windsor Highway – Suite 100-500 in a PUD area **(4-2-21.12)**

5. **BAKERS DOZEN TOO (06-27)** Request for Sign Variance:

<u>Permitted</u>	<u>Proposed</u>	<u>Variance Requested</u>
10 ft.	17' 9"	7' 9"

at 176 Windsor Highway – Suite 900 in a PUD area **(4-2-21.12)**

6. **ANTHONY FAYO (06-25)** Request for accessory building to project closer to the road than principal building at 308 Bull Road in an R-1 Zone **(56-1-18)**
7. **CHARLOTTE FARRELL (06-28)** Request for 15 ft. Front Yard Setback for existing front deck at 300 Oak Drive in an R-4 Zone **(63-8-12)**
8. **HIGHLAND OPERATING LTD. (V. BIAGINI) (06-20)** Request for 27,747 sq. ft. Minimum Lot Area and; 105 ft. Minimum Lot Width and; 50 ft. Lot Frontage for a proposed two-family dwelling on two vacant lots to be combined to one at Old Forge Hill Rd. in an R-5 Zone (Bulk Tables R-5 line 6-C,D & H) **(71-1-69 & 31.1)**
9. **JAMES REYNOLDS (06-22)** Request for 39 ft. Rear Yard Setback for proposed attached pool deck and; 9ft. Side Yard Setback and 9 ft. Rear Yard Setback for existing Shed (Bulk Tables 300-11-A-1-B) at 10 Samantha Court in an R-4 Zone **(7-3-11)**
10. **JAMES BERKOWITZ (06-30)** Request for 8ft.Rear Yard Setback for proposed 16 ft. X 41 ft. rear deck at 2028 Independence Drive in an R-3 Zone **(77-3-10)**



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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

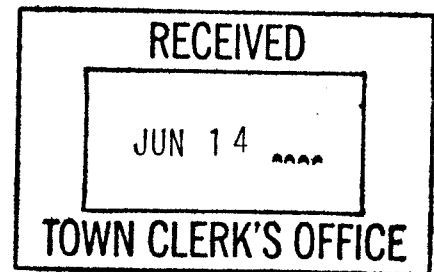
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MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
KATHLEEN LOCEY
ERIC LUNDSTROM
PAT TORPEY

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY



ABSENT: KIMBERLY GANN

REGULAR MEETING

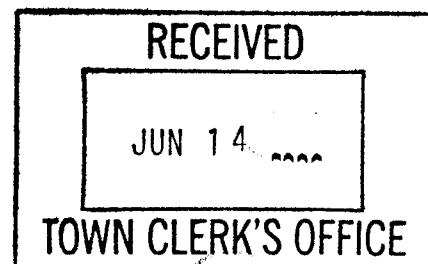
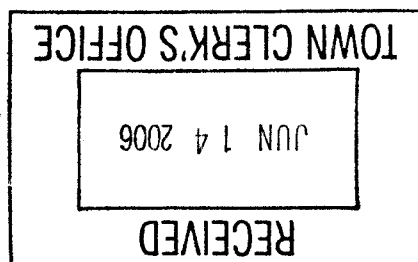
MR. KANE: I'd like to call the June 12 Town of New Windsor Zoning Board of Appeals meeting to order.

APPROVAL OF MINUTES DATED 4/24/06, 5/8/06 & 5/22/06

MR. KANE: Motion to accept minutes of April 24, May 8 and May 22 as written.

MR. LUNDSTROM: So moved.

MS. LOCEY: I will second that motion.



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ROLL CALL

MR. LUNDSTROM	AYE
MR. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

PRELIMINARY_MEETINGS:

BOBBY_CHRISTOFORDIDIS_(06-34)

MR. KANE: Request for 12 ft front yard setback for proposed 8 ft. x 25 ft. front covered porch at 6 Oxford Road.

Mr. Bobby Christoforidis appeared before the board for this proposal.

MR. KANE: What we do in New Windsor is there's two meetings, we hold a preliminary meeting so we can get an idea of what you want to do make, sure that you have everything that you need for us to make a decision. What goes on here today is going to be very similar to what goes on in the public hearing except your neighbors will be notified and if they want to be here, they'll be here. So tell us what you want to do, sir.

MR. CHRISTOFORIDIS: Simply I'm going to add a covered porch at 52 Hudson, 6 Oxford is where I live, 52 Hudson is the house where I'm doing this on.

MS. MASON: I'll correct that.

MR. KANE: So everybody has that, it's 52 Hudson where it's actually taking place.

MR. CHRISTOFORIDIS: They have it correct on this.

MR. KANE: Just want to make sure it gets correct for in the paper.

MR. CHRISTOFORIDIS: I have submitted drawings, architectural drawings.

MR. KANE: On this picture here just it's going to run from your door here going to take place?

MR. CHRISTOFORIDIS: Basically from here to here.

MR. KANE: And you're only coming out 9 feet extending to the front from, the front of the house?

MR. CHRISTOFORIDIS: Right, from the jog, from this jog and because that's set back two feet, 10 from the door or 8 from the--

MR. KANE: With the addition of the porch on the front of the house, I mean, it's obvious here, but I've got to ask the questions, cutting down any trees or substantial vegetation?

MR. CHRISTOFORIDIS: No.

MR. KANE: Creating water hazards or runoff?

MR. CHRISTOFORIDIS: No.

MR. KANE: Any easements running through where you want to put the porch?

MR. CHRISTOFORIDIS: No.

MR. KANE: Is that going to extend closer to the street than the rest of the houses on the block?

MR. CHRISTOFORIDIS: No and here's another picture.

MR. KANE: Would you mind if we add that to the record?

MR. CHRISTOFORIDIS: Sure, that's my neighbor.

MR. KANE: And the porch is also going to be there for ease of entrance egress from the house?

MR. CHRISTOFORIDIS: Yes.

MR. KANE: Any other questions? I'll accept a motion.

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MS. LOCEY: I'll offer a motion to schedule a public hearing for the application of Bobby Christoforidis and a variance, his requested variance for a 12 foot front yard setback for proposed 8 x 25 foot front covered porch at 52 Hudson Drive.

MR. LUNDSTROM: I'll second that.

MR. KANE: Roll call.

ROLL CALL

MR. LUNDSTROM	AYE
MR. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

ERROL_FOSCHINI_(06-36)

MR. KANE: Request for 22 ft. rear yard setback for pool with deck attached to the house at 13 Shaker Court.

Mr. Errol Foschini appeared before the board for this proposal.

MR. KANE: Tell us what you want to do, sir.

MR. FOSCHINI: We want to replace the deck and get a permit for the pool that's already existing in the back.

MR. LUNDSTROM: You're saying there's a deck and a pool both of which are existing?

MR. FOSCHINI: Yes.

MR. LUNDSTROM: Were they existing when you purchased the property?

MR. FOSCHINI: No, they weren't.

MR. KANE: How long has the deck been, pool been up?

MR. FOSCHINI: Fifteen years.

MR. KANE: Cutting down any trees or substantial vegetation in the building of the deck?

MR. FOSCHINI: No.

MR. KANE: Or the pool?

MR. FOSCHINI: No.

MR. KANE: Create any water hazards or runoffs?

MR. FOSCHINI: No.

MR. KANE: Any easements running through where the pool or the deck is?

MR. FOSCHINI: No.

MR. KANE: Had there been any complaints about the pool or the deck formally or informally over the last 15 years?

MR. FOSCHINI: No.

MR. LUNDSTROM: Why are you now seeking a variance for these?

MR. FOSCHINI: Well, we're replacing the deck and the builder went to get a permit for the deck and they actually they came out, we replaced another room in the back and then when the building inspector came out, he saw that the deck wasn't up to code, we wanted to replace it.

MR. KANE: You took the glass enclosure out?

MR. FOSCHINI: Right, when the building inspector came he saw the deck wasn't up to code so now we want to bring it up to code.

MR. LUNDSTROM: And also the pool.

MR. FOSCHINI: Right.

MR. KANE: So the pool is attached to the deck which is you walk right from the house out to the deck and to the pool?

MR. FOSCHINI: Right.

MR. KANE: I have no further questions. Anybody else

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on the board? I'll accept a motion.

MR. LUNDSTROM: Mr. Chairman, I will offer a motion to schedule a public hearing on the application of Errol Foschini regarding request for 22 foot rear yard setback for pool and deck attached to the house at 13 Shaker Court in a CL-1 zone.

MR. TORPEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MR. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

SIGN_LANGUAGE_(FOR_GREEN_GARDEN) (06-35)

Mr. Tom Walsh appeared before the board for this proposal.

MR. KANE: Request for 5.33 ft. width for proposed wall sign at 176 Windsor Highway. Tell us what you want to do.

MR. WALSH: Similar to the two other signs in front of you for the public hearing this is Green Garden which will be in one of the other units and in the plaza as shown on the photograph showing the drawing or showing the sign, it's in the indenture over the frontage of the restaurant in front. Here we're looking for 5.3 foot variance in width only, it's well under the height requirements and add up the square footage with what's allowed it's under that.

MR. KANE: Any illumination in the light?

MR. WALSH: Internal.

MR. KANE: Non-flashing?

MR. WALSH: Correct.

MR. KANE: Let the record show we have a picture with the sign kind of imposed on the building and it's not overly big.

MR. LUNDSTROM: Are the letters in the sign going to be comparable with the letters in the other signs on the building?

MR. WALSH: Are they similar in--

MR. LUNDSTROM: Similar in size?

MR. WALSH: Yes.

MR. KANE: They're all fitting in those line indents.

MR. WALSH: That's right.

MR. KANE: Good. Any other questions?

MS. LOCEY: I'll offer a motion to schedule a public hearing for the application of Sign Language for Green Garden for his variance, requested variance for a 5.3 foot width for proposed wall sign at 176 Windsor Highway in a PUD zone.

MR. LUNDSTROM: Mr. Chair, I will second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MR. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

PUBLIC_HEARINGS:

4_SEASONS_DOLLAR_STORE_(06-26)

Mr. Tom Walsh appeared before the board for this proposal.

MR. KANE: Request for sign #1 8" variance and sign #2 1'6" x 16'2" variance. Tell us what you want to do.

MR. WALSH: Okay, 4 Seasons is a dollar store that occupies the largest frontage, actually it would be 4 of the indentures where the signs go, possibly 5, I believe it's 4, the letters are 18 inch tall similar to the Green Garden that I was just talking about, internally illuminated, non-flashing, channel letters, red faces except for the logo which is the 4 is a just a multi-color logo and that's pretty much it.

MR. KANE: Let the record show seeing some of the signs from the street that the signs actually aren't oversized for how they appear on the front of it. That's my personal observation. You said non-illuminating, non-flashing, internally illuminated?

MR. WALSH: Yes.

MR. KANE: Anybody in the audience for this particular hearing? Seeing as no one is here for this, we'll close the public hearing, bring it back to Myra, ask her how many mailings we add.

MS. MASON: On May 19, I mailed out 48 envelopes and had no response.

MR. KRIEGER: Now the reason that this is two signs is simply because it's two indentures, they're next to each other, is that correct?

MR. WALSH: Well, yeah, I couldn't continuously run

this sign.

MR. KRIEGER: It appears to be one continuous thing when somebody looks at it but it is in fact not.

MR. WALSH: Correct.

MR. KRIEGER: And the permitted width of a sign is 2 1/2, you're actually proposing less than the permitted only 1.6 a little longer and a little less width, is that correct?

MR. WALSH: That's correct.

MR. KRIEGER: Okay.

MR. KANE: Any other questions? I'll accept a motion.

MS. LOCEY: I will offer a motion to grant the requested variances on the application of 4 Seasons Dollar Store for sign number 1 an 8 inch variance and for sign number 2 to cover the entire size of the sign 1 foot 6 inch by 16 foot 2 inch all at 176 Windsor Highway, Suite 100 through 500 in a PUD zone.

MR. TORPEY: I'll second that.

ROLL CALL

MR. LUNDSTROM	AYE
MR. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

BAKERS_DOZEN_TOO_(06-27)

Mr. Tom Walsh appeared before the board for this proposal.

MR. KANE: Request for 7'9" sign variance at 176 Windsor Highway, Suite 900.

MR. WALSH: The 17 feet 9 inches spans across the entire indenture, I don't know, is that considered the sign background because the actual sign falls within 192 inches?

MR. KRIEGER: The actual letters are within 192 background which is longer?

MR. WALSH: Yes, I don't expand it all the way to the edge cause I think proposed is 17 feet 9 inches under proposed but that's not the actual width of the sign, it's actually shorter.

MR. TORPEY: Is each sign going to fit in each hole the same and letters are going to be different and bigger in each hole, right?

MR. KANE: That's correct.

MR. BABCOCK: I think this is the first one we wrote up, isn't this the first one, Bakers Dozen, so we counted the whole indentation as sign and then I notice--

MR. KANE: Let the record show that the sign is actually less than the requested variance of 7 foot 9 inches, probably it's looking to me that it's 10.5 inches from each end so that would make a total of 21 inches.

MR. KRIEGER: How high is the sign?

MR. KANE: Twenty-two inches, they count from the top.

MR. WALSH: Eighteen inches.

MR. KRIEGER: So in terms of height it's not as high as the ordinance would allow?

MR. WALSH: Correct, cause it would not fit into the indenture.

MR. TORPEY: Really every sign is going to be the same exact size.

MR. WALSH: They're all 18 inches in height.

MR. KANE: It's all going to have the same look.

MR. TORPEY: All the letters are going to stay the same or change them with each store?

MR. WALSH: So far nobody objected to red except for like in this particular one there's a picture of a bagel and the other one had a multi-color logo.

MR. KANE: Other than that, everything is going to look very much the same.

MR. TORPEY: I think it looks nice.

MR. KANE: At this point, I will open it up to the public, ask if anybody from the public hearing for this particular hearing? Nobody cares. We'll close the public, ask Myra how many mailings we had.

MS. MASON: On May 19, I mailed out 48 envelopes and had no response.

MR. KANE: I'll accept a motion.

MR. LUNDSTROM: Mr. Chair, I will offer a motion to

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grant the requested variance for Bakers Dozen Too
request for sign variance, requested is 7 foot 9 inches
at 176 Windsor Highway, Suite 900 in a PUD area,
section, block and lot 4-2-21.12.

MR. TORPEY: I will second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MR. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

ANTHONY_FAYO_(06-25)

Mr. Anthony Fayo appeared before the board for this proposal.

MR. KANE: Request for accessory building to project closer to the road than principal building at 308 Bull Road.

MR. KANE: Same as preliminary, tell us what you want to do, sir.

MR. FAYO: I'd like to put a pole building in front of my home so it's obviously closer to the road than the home, the lot is long and narrow, I have very little space to put the building. The lot is so long and narrow, that's the only spot to put the building.

MR. KANE: Cutting down any trees or substantial vegetation in the building of the deck?

MR. FAYO: Some trees down, nothing substantial, no.

MR. KANE: Creating any water hazards or runoffs?

MR. FAYO: No.

MR. KANE: Any easements running through where you want to put the accessory building?

MR. FAYO: Not that I'm familiar with.

MR. KRIEGER: You've owned the property for some time?

MR. FAYO: Yes.

MR. KRIEGER: So you'd be familiar with it?

MR. FAYO: I think I'd be familiar, yes.

MR. KANE: Are there other homes in your area that have outside sheds?

MR. FAYO: Yes and garages, yes.

MR. KANE: Okay, at this point we'll open it up to the public, I need you to give your name and address if you wish to speak and we'll take it from there.

MS. VITALE: Kim Vitale, 3 Shaw Road, I just want to know the size of the building, how close to the road it's going to be.

MR. FAYO: Can I answer that?

MR. KANE: Oh, yeah, I don't know.

MR. FAYO: Don't want to jump your gun. The building sits back probably 3, 400 feet from the road, the size of the building is 40 x 50, more or less to put my equipment in, get it out of sight, out of the weather.

MS. VITALE: So can I speak directly to him?

MR. KANE: Sure.

MS. VITALE: So where you have the truck there now that's where it's going to be?

MR. FAYO: Yes.

MS. VITALE: It's going to be on, if you're going up your driveway to the right?

MR. FAYO: To the left of the driveway.

MS. VITALE: Is it two stories?

MR. FAYO: No, just one story, that's all it is.

MS. VITALE: I just want to make sure that it's a nice residential area.

MR. FAYO: Everything will be inside a nice pole building.

MR. TORPEY: Flower pots?

MR. FAYO: Yes.

MS. VITALE: Do you have any kind of drawing?

MR. FAYO: I have some stuff from the factory, nothing of the building, no, I can show you what they're done, this is some of the work they're done, something like that, obviously without the doors, these home doors, garage doors, will be one on the back, one on the side.

MR. KANE: Can you show the couple in the front row right there? Further questions?

MS. VITALE: No, that was all, thank you.

MR. KANE: Any further questions for or against the proposal, for the proposal or don't care either way?

MR. PINANSKI: We're for it.

MR. KANE: Nobody else from the public for this particular hearing, we'll close the public portion, bring it pack to Myra, ask her how many mailings.

MS. MASON: On May 19, I mailed out 30 envelopes and had no response.

MR. KANE: Any further questions from the board?

MR. LUNDSTROM: None.

MR. KANE: I'll accept a motion.

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MS. LOCEY: I'll offer a motion to grant the requested variance on the application of Anthony Fayo for accessory building to project closer to the road than the principal building all at 308 Bull Road in an R-1 zone.

MR. LUNDSTROM: Mr. Chairman, I will second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MR. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

CHARLOTTE_FARRELL_(06-28)

Mrs. Charlotte Farrell appeared before the board for this proposal.

MR. KANE: Request for 15 ft. front yard setback for existing front deck at 300 Oak Drive.

MR. LUNDSTROM: For the record, I must state that this particular property abuts my property, the outcome of this public hearing will have no direct affect on the value of my property, plus or minus, and will have no affect on my family or anything.

MR. KANE: Do you feel then you can make a fair judgment?

MR. LUNDSTROM: Yes.

MR. KANE: I have no problem with you staying on the board. Tell us what you want to do again.

MS. FARRELL: Well, it's done. We lived in the house for 22 years and we did a lot of stuff over the years that was the one deck we hired somebody to build, the other two decks we did ourselves.

MR. KANE: And you did it right.

MS. FARRELL: No, I got all the permits now but the young man who did the construction never got a permit and the deck is there.

MR. KANE: Do you know cutting down any trees or substantial vegetation in the building of the deck?

MS. FARRELL: No.

MR. KANE: Create any water hazards or runoffs?

MS. FARRELL: No.

MR. KANE: Any easements running through where the deck is?

MS. FARRELL: No.

MR. KANE: Any complaints formally or informally about the deck over the years?

MS. FARRELL: No.

MR. KANE: The deck itself is similar in size and nature to other decks that are in your neighborhood?

MS. FARRELL: Yes, it's not a big deck.

MR. KANE: Okay, take it to the next step on up, the public portion, ask if anybody's here for this particular hearing? Nobody cares. We'll close the public portion of the meeting and ask Myra how many mailings.

MS. MASON: On May 19, I mailed out 34 envelopes and had no response.

MR. KANE: Any further questions from the board?

MR. KRIEGER: Is the deck in the front of the house or in the back?

MS. FARRELL: This is the deck in the front of the house, it's not closer, in fact, on either side of us the houses are closer to the street, the house was built in 1949 before all the rules went into effect and the house it's now 30 feet from the street, it's supposed to be 45 before the deck it was 43, 40 feet from the street, the other two are closer than ours, yes.

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MR. KRIEGER: Thank you.

MR. KANE: I'll accept a motion from the board.

MS. LOCEY: I will offer a motion to grant the requested variance on the application of Charlotte Farrell for a 15 foot front yard setback for existing front deck at 300 Oak Drive in an R-4 zone.

MR. TORPEY: I'll second that.

ROLL CALL

MR. LUNDSTROM	AYE
MR. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

HIGHLAND_OPERATING_LTD_(06-20)

Mr. Robert Biagini appeared before the board for this proposal.

MR. KANE: Request for 27,747 square foot minimum lot area and 105 foot minimum lot width and 50 ft. lot frontage for a proposed two-family dwelling on two vacant lots to be combined to one at Old Forge Hill Road. Same as the prelim, tell us what you want to do, sir.

MR. BIAGINI: It's a vacant piece, we want to combine the two parcels together, put one two-family home on it.

MR. KANE: Cut down any trees or substantial vegetation?

MR. BIAGINI: No.

MR. KANE: Creating water hazards or runoffs?

MR. BIAGINI: No, none.

MR. KANE: You have a proposed access road?

MR. BIAGINI: That's shown right here.

MR. KANE: Common ownership with these houses over here or just for this?

MR. BIAGINI: Just for our piece.

MR. TORPEY: Is each unit going to have a garage?

MR. BIAGINI: No.

MR. TORPEY: Who maintains that road?

MR. BIAGINI: By the owner of the home. People use the property for a dumping ground, usually happens to the last piece in a subdivision, right?

MR. LUNDSTROM: There was a shopping cart from Caldor in there.

MR. BIAGINI: Or Grants.

MR. KANE: I'm going to open it up to the public at this point, see if anybody's here for this particular public hearing. Please state your name and address and speak loud enough for this young lady to hear you.

MS. SHAPIRO: Fran Shapiro, 45 Vails Gate Heights Drive, New Windsor. I have several concerns, a friend helped me to go through some of this information and it appears that the gentleman doesn't have a third of the required frontage, it appears that the building inspector did a good job initially did the right thing and disapproved of this application, it appears that the new lot area is over 40 percent short of the permitted use. Please correct me if this is not correct.

MR. KANE: That's why he's here.

MS. SHAPIRO: And my concern really is I don't know if you're familiar with that area but I don't believe it could be built the same way again. Now there are townhomes, there's South Gate Village, there are single homes, the density is beyond and it really is a shame what happened to this area 36 years ago. Also I don't understand building a two-family home here, I understand initially they wanted townhomes, is that correct?

MR. BIAGINI: Yes.

MS. SHAPIRO: That seemed very far reaching for an area

with this density problem, its way in the back, I don't know if you're familiar. Is anyone on the board familiar?

MR. KANE: Been here 20 years, I know where it is.

MS. SHAPIRO: The other concern would be the building and the backs of the, you know, the Chinese restaurant and all the stores that are there with the dumpsters and if the trees are cut down, you would see clear through.

MR. BIAGINI: We're leaving that tree line up.

MS. SHAPIRO: So again I guess the main reasons to wonder about this is building a two-family home and is there any other alternative that you could see happening here?

MR. BIAGINI: There was townhouses which would have been more than two.

MS. SHAPIRO: Right but that was denied and I'm very happy that was denied because it's very crowded and that property has been vacant for 36 years that I've been there.

MR. TORPEY: It's a dumping ground.

MR. BIAGINI: We've paid taxes on it for 25 years.

MS. SHAPIRO: Unfortunately, it's a dumping ground in the Town, there are many areas used for dumping grounds, very sadly so, so that's not the only one.

MR. BIAGINI: Wouldn't you rather see a nice home there instead of all that garbage?

MS. SHAPIRO: Well, I'd rather see if we can possibly think a little bit more about open space instead of

sticking homes, wherever we can, this is the big thing we're all hoping for now, a little bit open space, not that you shouldn't build, I know you have the right to build but it appears that this is, I mean, this information appears correct and I think if we have a zoning board it's to correct these things, it's to say no to some things.

MR. KANE: No, ma'am, we're a ZBA, it's his job to say no, which is what they did and it's our job--

MS. SHAPIRO: No, he did a great job, Mike did a great job, I tell you.

MR. KANE: Ma'am, I sat and I listened to you, can you let me finish?

MS. SHAPIRO: Well, I wasn't finished. Can I have a little time to finish?

MR. KANE: A little bit more.

MS. SHAPIRO: Thank you. I understand this is a public hearing, I just got off a plane and ran over here to come and say what I had to say, so please allow me to think but so again, I would ask you to consider not only this application in Town but many of the variances that this Town is giving, now I don't want to go into a lot of them but I understand two gas stations were given variances.

MR. KANE: Ma'am, this is about this application only.

MS. SHAPIRO: Well, this is a public hearing, is it not?

MR. KANE: About this application.

MS. SHAPIRO: So we're not permitted to speak on any other?

MR. KANE: No, not at all, everything is taken--

MS. SHAPIRO: I don't know how the ZBA operates.

MR. KANE: --individual cases one at a time.

MS. SHAPIRO: I would hope that you would reconsider this and not give your okay on this without thinking about some of these points and if you could answer me if what the information I gave you was indeed correct, if it's not, I'd like to be corrected.

MR. KANE: What information would you like?

MS. SHAPIRO: I just read it to you, that he has, doesn't have 1/3 of the required frontage, is that correct or incorrect?

MR. KANE: He needs 27,747 square feet.

MS. SHAPIRO: Is that a lot?

MR. KANE: I don't know what the percentage is.

MS. SHAPIRO: That seems like a lot to me and the folks I discussed it with who seem to know a lot more than I, I know very little about this.

MR. KANE: The numbers that he presented to us are correct.

MS. SHAPIRO: Okay, but is this a large amount of variance the gentleman is requesting?

MR. KANE: Yes.

MS. SHAPIRO: Okay, well, if you permit as this seems to say now what do you actually permit? I'm looking at the sheet here.

MR. KANE: Sixty-five thousand is what's needed.

MS. SHAPIRO: And what's proposed is 37,253?

MR. KANE: Yes.

MS. SHAPIRO: And what's needed is this 27 so I guess it's up to you.

MR. KANE: Yes. Do you have anything else?

MS. SHAPIRO: Thank you for listening to me, no, I don't have anything else except that I do hope that you would really think before you say yes to this.

MR. KANE: No offense, ma'am, we think before each one. So you understand what the zoning board is, Mike's job is the zoning enforcement officer, his job is to enforce the laws, our job is a board of appeals, our job is to have an open mind for the applicant's request for a variation of the law, therefore, our job is not to deny, our job is to listen to what the application is and make a judgment.

MS. SHAPIRO: And then would it then be Mike's ultimate judgment on this application?

MR. KANE: That's why he's here, the only way you get to us.

MS. SHAPIRO: I had no idea.

MR. KANE: The only way that you get to this board is if the building department turns you down and you appeal it and that's how you come before us.

MS. SHAPIRO: Then I guess it's up to Mike now.

MR. KANE: No, it's up to us and we'll let Mike know

what he's doing, he's the enforcement officer.

MS. SHAPIRO: He denied it.

MR. BABCOCK: If they approve it, I'll give him a building permit. If they disapprove it--

MS. SHAPIRO: He said it's up to Mike, I just got off a plane, I might be a little fuzzy, please help me through this.

MR. KANE: Listen carefully please, stop talking. Michael is the enforcement officer, his job and his department's job is to go out and enforce the building laws and the zoning laws. If he sees something or they apply for something that isn't within the law, then he denies them that application then that's his job and his department's job. Then if they want to proceed and appeal his decision then they make an application to come in front of the zoning board so that we can make a decision on which way to go.

MS. SHAPIRO: Well, that helps a lot and will that decision be made tonight?

MR. KANE: Yes, it will.

MS. SHAPIRO: Okay, thank you.

MR. KANE: Anybody else for this particular hearing?

MR. MIHALCO: Emil Mihalco, 387 Old Forge Hill Road right on the north side of that property. I've got a lot of water problems right now already, you're going to cut trees down to put the house in?

MR. BIAGINI: Not the tree line along the back of the building.

MR. MIHALCO: My property.

MR. BIAGINI: She's concerned with the trees in back of the Shop Rite tree line there.

MR. MIHALCO: I'm actually on the Forge Hill Road side, what about the trees there?

MR. BIAGINI: We'll only cut down the ones that we need to get into the property to construct the house, we don't want to take down any more than we have to, that's for sure.

MR. MIHALCO: How big is the building?

MR. BIAGINI: It's 48 x 30.

MR. MIHALCO: Two stories high?

MR. BIAGINI: A story and a half, bi-level style.

MR. MIHALCO: And what about parking, how much blacktop?

MR. BIAGINI: Just for the driveway like a regular house, not going to be a parking lot or nothing like that.

MR. MIHALCO: Can't put anything smaller in there?

MR. KANE: A 48 x 30 is pretty much a normal house.

MR. BIAGINI: Do you know where Stanford used to live, the gray bi-level, that's the first one as you come in, its the same size as that, that's 48 x 28.

MR. MIHALCO: Well, this property is uphill from mine, I've got water problems now and I think if you start clearing trees out, if you look at my driveway at the end of my driveway water that comes down Old Forge Hill Road and water that comes off the hill, I'm in a wet

spot.

MR. BIAGINI: That's the natural form of the ground, we'll put a curtain drain around whatever we have to do so you don't get any water and the building department will make sure I do that.

MR. MIHALCO: Is this the picture?

MR. BIAGINI: That's the layout of the land.

MR. MIHALCO: This is the way you're putting the building?

MR. BIAGINI: No, it's going the other way.

MR. KANE: Okay, anybody else? Name and address.

MS. HERRING: Edith Herring, 63 Vails Gate Heights Drive, I just have a couple questions.

MR. KANE: Please go ahead.

MS. HERRING: Where is the road going to be, you know, the road that you have that you cleaned out, is that where the road is going to be?

MR. BIAGINI: That's where it's going to be.

MS. HERRING: This is the road right here?

MR. BIAGINI: Yes.

MS. HERRING: Where is the house going to be?

MR. BIAGINI: Right in here.

MS. HERRING: Okay, so I thought I saw 63.

MR. KANE: Those are the tax map numbers.

MS. HERRING: Which way is the back of the house, is the back towards the back of my townhouse, you know how the townhouses go, is the back of your house going to be that way?

MR. BIAGINI: Right.

MS. HERRING: And the yard?

MR. BIAGINI: On the other side.

MS. HERRING: How is the house going to sit, kind of in the middle of the lot or when the people are in their back they won't be so close to mine?

MR. BIAGINI: No, it will be in the middle.

MS. HERRING: You're going to cut those trees down?

MR. BIAGINI: Just in the area where we have to build the house, that's it.

MS. HERRING: You see all the garbage. You're going to have a lawn back there, some of the garbage has to be out, I mean, you know what I'm talking about?

MR. KRIEGER: He's talking about the trees.

MS. HERRING: I have no problem. Thank you.

MR. KANE: Ma'am, from the other two applicants I got a good sense of what they want, for, against, don't care?

MS. HERRING: It's okay.

MR. MIHALCO: I'm against that also.

MR. KANE: I got that from you, sir.

MR. BIAGINI: Not at all.

MR. KANE: Does the board have any other questions?

MR. LUNDSTROM: One question, this plot plan that you gave us shows five units.

MR. BIAGINI: That was the old one.

MR. LUNDSTROM: What you're talking about now is just reduce that from five units to two units?

MR. BIAGINI: Right.

MR. LUNDSTROM: So therefore the coverage would be substantially less than what was proposed?

MR. BIAGINI: Yes, a lot less.

MR. KANE: Anybody else?

MS. LOCEY: I don't have any.

MR. KANE: I would accept a motion from the board, please remember to add a notation about curtain drains.

MS. LOCEY: I will offer a motion regarding the application of Highland Operating LTD to grant request for 27,747 square foot minimum lot area and 105 foot minimum lot width and 50 foot lot frontage variances for a proposed two-family dwelling on two vacant lots to be combined to one at Old Forge Hill Road in an R-5 zone contingent upon--

MR. KRIEGER: On the condition that a curtain drain or similar drainage construction be installed as needed.

MR. TORPEY: I second that.

June 12, 2006

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ROLL CALL

MR. LUNDSTROM	AYE
MR. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

JAMES_REYNOLDS_(06-22)

Mr. James Reynolds appeared before the board for this proposal.

MR. KANE: Request for 39 foot rear yard setback for proposed attached pool deck and 9 ft. side yard setback and 9 ft. rear yard setback for existing shed at 10 Samantha Court.

MR. REYNOLDS: Last time I was here I proposed a pool deck which is not exactly attached to my existing deck, just a railing standing on its own for convenience of getting in and out of the pool and also the shed, the shed is towards the back corner of my lot. Last time you asked me for pictures of other sheds in the neighborhood and other decks in the neighborhood and this is a shot from my back yard, this is Union Avenue right down here between two houses there.

MR. KANE: Let the record show that the applicant has presented numerous pictures of various back yards inundated with sheds and decks.

MR. KANE: This shed, how long has the shed been up?

MR. REYNOLDS: One year.

MR. KANE: Cut down any substantial vegetation?

MR. REYNOLDS: None at all.

MR. KANE: Create water hazards or runoffs?

MR. REYNOLDS: None whatsoever.

MR. KANE: Any easement running through the area where the shed is?

MR. REYNOLDS: No, sir.

MR. KANE: Any complaints about the shed formally or informally?

MR. REYNOLDS: No, sir, matter of fact, my next door neighbor here has his shed located in the reciprocal position from mine.

MR. KANE: At this point I'll open it up to the public, ask if anybody's here for this particular hearing. Okay, ma'am, just your name address and speak loud enough.

MS. GENTRY: I'm Becky Gentry from 5 Cimorelli Drive, my primary residence. I would have been concerned had you been cutting down trees or whatever else but this is already something that's been done.

MR. REYNOLDS: Yes.

MS. GENTRY: I saw the yard today and I have no questions.

MR. KANE: No problems, for or against it, don't care?

MS. GENTRY: No, it's fine, he's already done it and the neighbor, if the neighbor behind him had been concerned he would be here and speaking for himself so if he's not concerned then I'm not concerned.

MR. KANE: Okay, ma'am, thank you.

MS. GENTRY: It isn't don't care, when you say don't care, it sounds as though people are not involved. So if you could find a different way of saying it.

MR. KANE: No opinion.

MR. TORPEY: You checked it and it looks good.

MS. GENTRY: Or it seems to be, I don't know, don't care doesn't sound right. Do you know what I'm saying?

MR. KANE: Yeah.

MS. GENTRY: It sounds haphazard, like people didn't bother to show up, they probably have no opinion, that's a good way to say it, no protest, no opposition.

MR. KANE: No problem, thank you. Anybody else for this hearing? I'll close the public portion of the hearing and bring it back to Myra, ask how many mailings.

MS. MASON: On May 19, I mailed out 35 envelopes, had no response.

MR. KANE: Does the board have any further questions for Mr. Reynolds? No questions, I'll accept a motion.

MR. LUNDSTROM: I will offer a motion to grant the requested variance to Mr. James Reynolds' request for 39 foot rear yard setback for proposed attached pool deck and 9 foot side yard setback and 9 foot rear yard setback for existing shed regarding the bulk table 300-11-A-1-B at 10 Samantha Court.

MR. TORPEY: I will second that.

ROLL CALL

MR. LUNDSTROM	AYE
MR. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

JAMES_BERKOWITZ_(06-30)

Mr. James Berkowitz appeared before the board for this proposal.

MR. KANE: Request for 8 ft. rear yard setback for proposed 16 ft. x 41 ft. rear deck at 2028 Independence Drive. Tell us what you want to do.

MR. BERKOWITZ: I just want to build a deck on the back of my home and just for entertainment purposes and improve the value of the home. I won't be cutting down any trees, doesn't create any water hazards or runoff situation and there's no easements in the way.

MR. KANE: You listen well. The deck itself similar in size and nature to other decks that are in your neighborhood?

MR. BERKOWITZ: Yes, there is.

MR. KANE: And obviously without some kind of deck you would have a fairly steep, some of the stairs going up to your rear entrance the deck will take the place of those very steep steps?

MR. BERKOWITZ: Correct.

MR. KANE: So you feel that would make it a little bit safer?

MR. BERKOWITZ: Yes.

MR. KRIEGER: Without the deck, a person exiting adjacent to a doorway so a person exiting the house would likely sustain serious physical injury without the deck?

MR. BERKOWITZ: Yeah.

MR. KANE: Okay, we'll ask the question, if there's anybody in the audience for this particular hearing? There's not, we'll close the public portion of the hearing, ask Myra how many mailings.

MS. MASON: On May 23, I mailed out 58 envelopes, had no response.

MR. KANE: And any further questions from the board? I'll accept a motion.

MS. LOCEY: I will offer a motion on the application of James Berkowitz to grant his request for an 8 foot rear yard setback for a proposed 16 foot by 41 foot rear deck at 2028 Independence Drive in an R-3 zone.

MR. LUNDSTROM: Mr. Chairman, I will second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MR. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

MR. LUNDSTROM: So moved.

MS. LOCEY: Second it.

ROLL CALL

MR. LUNDSTROM	AYE
MR. LOCEY	AYE
MR. TORPEY	AYE

June 12, 2006

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MR. KANE

AYE

Respectfully Submitted By:

Frances Roth
Stenographer

